

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2984 of 2018

Mr.P.Dineshkumar,
No.77/103, Road Street,
Venkatapuram, Sevilimedu Village,
Kanchipuram District 631 502. ... Petitioner

Vs.

1. The Registrar of Co-operative societies,
E.V.R.Maligai, Kilpauk, Chennai-600 010.
2. The Secretary,
Co-operative,
Food and Consumer and Protection Department,
Government of Tamil Nadu,
Secretariate, Chennai 600 009. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the Representation dated 12.07.2017 and by fixing a time frame.

For Petitioner : Mr.N.Theenadayalan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co.op)

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O R D E R

The relief sought for in the present writ petition is directing the respondents to consider the representation dated 12.07.2017 and by fixing a time frame.

2 The learned counsel for the writ petitioner states that the petitioner was a salesman in Kancheepuram District Consumer Cooperative Wholesale Stores, Ltd., which is a co-

operative society registered under the provisions of the Tamil Nadu Co-operative Societies Act.

3 The main grievance of the writ petitioner is that the pay has not been fixed as per the Government orders in force. The learned counsel for the writ petitioner also states that the Government issued orders fixing the scale of pay applicable to the salesman working in the co-operative societies. However, the said Government order has not been implemented as far as the writ petitioner is concerned.

4 Mere consideration of the representation would not do any service to the cause of justice. In fact, the issue sought to be adjudicated on merits and the grievances of the writ petitioner are to be addressed and redressed. Thus, an adjudication by following the procedures are eminent. As far as the employees of the co-operative societies are concerned, the statutory provides a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, which is a quasi judicial in nature and accordingly, the writ petitioner is bound to exhaust the statutory remedies for the redressal of his grievances.

5 This being the procedures to be followed and the Co-operative society which is not funded by the "State" within the meaning of Article 12 of the Constitution of India, the writ petition can be entertained under Article 226 of the Constitution of India. Thus, the writ petitioner is at liberty to approach the competent authorities under Section 153 of the Tamil Nadu Co-operative Societies Act, by filing a revision in proper format by paying necessary fees enabling the authorities to conduct the revision in accordance with law.

With these observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

nsd

To

1. The Registrar of Co-operative societies,
E.V.R.Maligai, Kilpauk, Chennai-600 010.

2. The Secretary,
Co-operative,
Food and Consumer and Protection Department,
Government of Tamil Nadu,
Secretariate, Chennai 600 009.

+1cc to Special Government Pleader(Co-OP) SR.No.39557

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GJ(CO)
GMY(31/05/2019)



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